



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 17 2013

Ms. Pilar Patterson, Chief
Mail Code 401-02B
Division of Water Quality
Bureau of Surface Water Permitting
P.O. Box 420
Trenton, NJ 08625-0420

Re: EPA's comments on the draft NJPDES permits for:
Camden County Municipal Utilities Authority (NJ0026182)
Gloucester City (NJ0108847)
City of Camden (NJ0108812)

Dear Ms. Patterson:

We appreciate the New Jersey Department of Environmental Protection's (NJDEP) efforts in developing the updated CSO permits, which are a major step forward in implementing the CSO control program in New Jersey. As you know, Section 402(q) of the Clean Water Act requires each permit to conform to the *CSO Control Policy* (Federal Register /Vol. 59, No. 75/Tuesday, April 19, 1994). The Environmental Protection Agency (EPA) has reviewed the draft permits in accordance with 40 C.F.R. § 123.44, and provides the attached comments for your consideration as you develop the final permits.

On April 12, 2013, NJDEP provided notice of the draft New Jersey Pollutant Discharge Elimination System (NJPDES) permits for the Camden County Municipal Utilities Authority (NJPDES No. NJ0026182), Gloucester City (NJPDES No. NJ0108847), and the City of Camden (NJPDES No. NJ0108812). As stated in the public notice, the existing authorizations under the CSO Master General Permit (NJ0105023) for Camden County Municipal Utilities Authority, Gloucester City, and the City of Camden are proposed to be terminated, and existing and updated Combined Sewer Overflow (CSO) requirements will be consolidated in the proposed new (in the case of Gloucester City and Camden City) and reissued (Camden County MUA) individual permits.

The EPA looks forward to continuing to work with the NJDEP to ensure the final permits meet all of the requirements of the Clean Water Act and the *CSO Control Policy*. If you require any additional information or assistance regarding this matter, please contact Mr. Stan Stephansen of my staff at (212) 637-3776.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kate Anderson", is written over a horizontal line.

Kate Anderson, Chief
Clean Water Regulatory Branch

bcc: Mohammed Billah, OW
Diane Gomes, ORC
Larry Gaugler, DECA

EPA Comments on Camden County MUA, Gloucester City, and City of Camden Draft NPDES Permits

Evaluation of Alternatives

The EPA acknowledges that permittees have already analyzed and evaluated a number of CSO alternatives during earlier permit terms. We would like to reiterate the importance of ensuring that the long term control plan (LTCP) includes a synthesis of existing information supplemented by new analysis, such that a thorough evaluation of a sufficient range of control alternatives is conducted in accordance with EPA's *CSO Control Policy*. We note that the *CSO Control Policy* contains specific language for evaluating a reasonable range of CSO control alternatives and states the following: "EPA expects the long-term CSO control plan to consider a reasonable range of alternatives. The plan should, for example, evaluate controls that would be necessary to achieve zero overflow events per year, an average of one to three, four to seven, and eight to twelve overflow events per year. Alternatively, the long-term plan could evaluate controls that achieve 100% capture, 90% capture, 85% capture, 80% capture, and 75% capture for treatment. The LTCP should also consider expansion of POTW secondary and primary capacity in the CSO abatement alternative analysis. The analysis of alternatives should be sufficient to make a reasonable assessment of cost and performance." (59 FR 18692)

Development of a single integrated CSO Long Term Control Plan

EPA supports and encourages the NJDEP to continue working with the permittees to develop one, single integrated plan for Camden County MUA, Camden City and Gloucester City and believes this is the most effective and cost-efficient way to execute CSO control plan development. The *CSO Control Policy* encourages system-wide development and implementation of the LTCP when different parts of a single Combined Sewer System (CSS) are operated by more than one authority.

Definitions/Consistency

- CCMUA Only. Fact Sheet page 18 – Section 7 - Variance to Permit Conditions:
The fact sheet should also refer to the federal requirements, 40 CFR 131.10 (g), for variance.
- All permits. B. Definitions. – c. "Hydraulically connected system"
The definition of a hydraulically connected system should be clarified to avoid any confusion. For example, one hydraulically connected system may have more than one sewage treatment plant (STP), and one STP may serve more than one hydraulically connected system. The language in the permit should be clarified to reflect this particular situation as follows, "For the CCMUA, Camden City and Gloucester City, hydraulically connected system means the entire collection system that conveys flow to the CCMUA's Sewage Treatment Plant (STP)."
- All permits.
To avoid confusion, we suggest adding additional definitions that are not defined and which do not appear to be incorporated by reference. We also suggest inserting an abbreviation/acronym table. For example, in the CCMUA permit, section IV.E.8-14 is about "RWBR" – reclaimed water for beneficial use – which is only defined in the Fact Sheet. And in Part III – Limits and Monitoring Requirements, we did not see a definition for "QL."

- All permits. Section D. Submittals, paragraph 1.c.
Define “construction-related activities.” Does it include *any* construction, e.g., for repairs, or is this only about construction of new storage capacity or other new construction called for by the LTCP?

CSO-related Bypass (CCMUA)

- Fact Sheet page 37 – Bypass Section.
NJDEP should consider adding additional detail from the *CSO Control Policy* to help further clarify this section: “For approval of a CSO related bypass, the long-term CSO control plan, at a minimum, should provide justification for a cut-off point at which the flow will be diverted from the secondary treatment portion of the treatment plant, and provide a benefit-cost analysis demonstrating that conveyance of wet weather flow to the POTW for primary treatment is more beneficial than other CSO abatement alternatives such as storage and pump back for secondary treatment, sewer separation, or satellite treatment” (18693 FR /Vol. 59, No. 75).
- Fact Sheet page 37 states that “National Policy encourages permittees to consider the use of a bypass of secondary treatment in the evaluation of alternatives.” It is more accurate to say “allows” rather than “encourages.”
- Fact Sheet page 37 also notes that NJ regulations prohibit bypass and states that DEP “recognizes that the rule would need to be modified in order to allow bypasses as part of an approved LTCP.” Under 40 CFR 122.41(m)(4), bypass is prohibited, but the rule provides for enforcement discretion where:
 - The permittee shows that the bypass was unavoidable to prevent loss of life, personal injury or severe property damages;
 - The permittee shows that there was no feasible alternative to the bypass; and
 - The permittee submitted the required notice.

The “no feasible alternative” analysis should be included in the LTCP. The *CSO Policy* describes what this analysis should entail in more detail.

- The Fact Sheet states that in order for DEP “to consider a by-pass as a feasible alternative ...”. This is inaccurate. The Fact Sheet should state, “in order for bypassing to be considered it must be demonstrated that there are no feasible alternatives to bypass.”

Facility Location/Description

- All permits.
- The permits should clearly define what facilities and associated system components are regulated by the permit and its location, e.g., maps of the appropriate portions of the collection system and the treatment plant. For example, requirements in Part II of the permit refer to “permitted location” and “permitted facility;” however, the Gloucester City and Camden City permits only identify a single street address as the “Location of Activity.” In the Camden City permit the “Location of Activity” states only, “Camden City, 4th Floor, City Hall.”

CSO/Ambient Monitoring

- All permits and fact sheets re: monitoring.
The monitoring program should address the specific water quality problems in the receiving waters impacted by the permittee's CSOs. This may require monitoring for parameters in addition to pathogens. For example, some water bodies may be impacted by nutrients, toxics or other pollutants of concern. This is especially critical for those permittees choosing to follow the "Demonstration Approach" when developing the CSO LTCP.

Post Construction Compliance Monitoring

- All fact sheets. Section referring to EPA Guidance Documents.
Consider adding EPA's CSO Post Construction Compliance Monitoring Guidance, which can be found at http://cfpub.epa.gov/npdes/whatsnew.cfm?program_id=5

Nine Minimum Controls

- All permits. Nine Minimum Control Requirements. 5. d.
Allows for CSO outfalls to be used for "other types of discharges to address extraordinary circumstances," but only with approval.
 - Clarify whether advanced approval is required – (i.e., analogous to anticipated bypass).
 - NJDEP should consider expressing this in terms of enforcement discretion rather than reserving "the right to allow" the use of the CSO outfalls for "other types of discharges."
 - We suggest explaining this in the Fact Sheet.

Permit Structure/Parts

- Gloucester City and City of Camden permits.
The Camden MUA permit has "Combined Sewer Overflow (CSO) Permit" at the top of the page within Part IV Specific Requirements: Narrative. The Gloucester and City of Camden permits list "Combined Sewer Overflow (CSO) Permit" in Part III, it appears that the heading, "Part IV Specific Requirements: Narrative," is missing from these two permits.
- City of Camden Permit.
The NJPDES Authorization Page for the City of Camden is included prior to the Fact Sheet, rather than at the beginning of the permit.

